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INDIANA UNIVERSITY
Maurer School of Law
Bloomington



INDIANA LAW UPDATE

A [newsletter](#) for friends of the Indiana University School of Law—Bloomington • May/June 2006 (Vol. 4, No. 4)

Dear Friend,

Graduation was beautiful on May 6, and our 216 new JD and 69 new LLM/SJD graduates are headed across the state, country, and globe. Our first [annual report on progress](#) under our strategic plan is now available on our Web site. We have had some important successes under the plan this year, including new clinics in entrepreneurship, conservation, and mediation, and the new Center on Constitutional Democracy in Plural Societies. Our applications for grant funding have increased an impressive 233 percent this year, and we hosted four major conferences. I invite you to read the report and to provide your feedback directly to me at the Law School.



Yours truly,

Lauren Robel, JD '83

Dean and Val Nolan Professor of Law

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Indiana Law's Uslan Addresses IU Bloomington Graduates

Michael Uslan, JD'76, an acclaimed author of children's books and executive producer of 1989's *Batman* and 2005's *Batman Begins*, spoke to IU's Class of 2006 during the May 6 commencement ceremonies.

An author, scholar, and attorney, Uslan credits his experience as an IU student with empowering him to realize his grandest aspirations. In addition to stories from his time as an IU student and how he ascended the ranks of the comic book and movie-making industries, Uslan told this year's graduates what he has told various student groups over the years. The core message, he said, is "to take something you're passionate about and make it your work."



Uslan passed on four critical lessons to university grads: take calculated risks, believe in yourself and your work, possess a high threshold for frustration, and follow your passion. He related the story of his father, a stone mason, who worked in masonry from age 16—when he left school to help his family survive the Depression—until he was 80. "His whole life, he worked six days a week no matter how hot or how cold it was outside. He was an old-world artist, a craftsman who created magnificent fireplaces and homes out of bricks and stones," Uslan said. "Every morning of my childhood, I saw my dad hop out of bed before dawn, eager to get to work and do what he loved. Even then, I knew that was what I wanted in life—to be able to wake up on a rainy Monday morning and say, 'I can't wait to get to work!' I had to find my own bricks and stones. For me, that's movies and comics. Today, I challenge you to find yours."

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Prevot, Williams Deliver Law School Commencement Addresses



Indiana Law held its recognition ceremony on Saturday, May 6. Keynote speaker **Rapheal M. Prevot Jr.**, JD'84, spoke about his experiences as a lawyer and as labor relations counsel for the National Football League and the opportunities that shaped his legal career.

Prevot's motivation for success was anchored in his desire to do something good for society. "It is not always what you learn in a law book that is going to make you a successful lawyer; it is a combination of a lot of things," he said. "Compassion, humility, dignity, courtesy, ethics, a sense of never losing sight of where you come from, and being able to reach back and give back to your community are big parts of practicing law."

Prevot noted gratitude for the opportunities he received at Indiana Law, which in turn afforded him the successes he's enjoyed over the years. "What really advanced me

from being a person who thought that he knew nothing at all is when I became involved in taking on real life issues and causes," he said. "Issues like racial injustice, standing up for values such as inclusion, equality, and tolerance ... When I fight for these causes, I no longer feel like I know nothing. I know that I make a difference. These are the types of causes we face every day in the practice of law."

He marveled at how time transforms a person. "Really, who would have thought that a poor young man of color who was raised in Indianapolis along with nine other siblings, the son of two hardworking, dedicated parents who worked multiple jobs to dress and feed those 10 children, would one day be standing here telling a group of graduating law students how wonderful life can be?" he asked.



Maurice Williams served as the student speaker. During his illustrious law school career, he chaired the Student Bar Association, and was a Black Law Student Association (BLSA) member and officer, and a member of the American Intellectual Property Law Association. He acted as Alumni Board Representative and a Fellow for the Indiana Conference for Legal Education Opportunity in addition to advocacy as Minority Law Advisor, counseling minority students interested in law school on scheduling and school selection. Williams established the first Minority Prelaw Society for undergraduates at IU, which now boasts 25 members.

His accomplished resume belies an uproarious sense of humor. The audience delighted in his dry wit, subtly injected throughout the course of his speech. While reminiscing on the travails of his law school career, Williams remembered a lesson from Professor **Roger Dworkin**, whose name "still sends chills down the spines of former law students."



"After a fine morning of grilling me on the laws of negligence and my choosing different ways to answer his question—all leading back to 'I don't know'—he told me that I was too charming for him to yell at," said Williams. "I was touched. I sure wish other people shared his sentiment. However, by the end of the semester I'd learned an important life lesson ... you can't get by on charm alone."

He also encouraged fellow unemployed classmates to remain optimistic about future success. To back up this positive outlook, Williams pointed to Three 6 Mafia, winners of the Academy Award for Best Original Song. "Now, while I do appreciate the wholesome goodness of their music, I have to say: if you can win an Academy Award for a song about how hard the life is of one who is engaged in the business of what some would consider morally compromising standards—all the while trying to make the money for the rent—then I'd say the odds are pretty good with your JD that endless opportunities will be available to you."

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Fisher Represents State before U.S. Supreme Court in *Hammon v. Indiana*

Thomas M. Fisher, JD'94, Solicitor General of Indiana, recently served as respondent in the U.S. Supreme Court case *Hammon v. Indiana*. General Fisher was accompanied at counsel table at the Supreme Court, and assisted in the briefing of the case, by Deputy Indiana Attorney General **Nicole Schuster**, JD'01. The case presented the question of whether an oral accusation made to an investigating officer at the scene of an alleged crime constitutes a "testimonial" for purposes of the Confrontation Clause.

The United States argued as an amicus curiae that the accuser's statements were testimonial and therefore should not have been admitted at trial. Fisher argued that these statements were not testimonial and therefore were properly admitted. Fisher split time with Irving Gornstein, assistant to the Solicitor General. The case was argued in tandem with *Davis v. Washington*, which also questioned whether an alleged victim's statements to a 911 operator naming her assailant constitute testimonial statements subject to Confrontation Clause restrictions enunciated in *Crawford v. Washington*.



After clerking for Judge Michael Kanne of the United States Court of Appeals for the Seventh Circuit, Fisher served as Special Counsel to Attorney General Steve Carter and, in 2005, was appointed to the new post of Indiana Solicitor General.

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Alumni Part of Award-Winning Defense Team

Kevin Schiferl, JD'88, recently won a delicate products liability case for Ford Motor Co., which helped him and partner **Robert B. Thornburg**, JD'96, of Locke Reynolds LLP in Indianapolis and Ronald Wamsted of Thompson Coe Cousins & Irons in Austin, Texas earn recognition as one of the Top 10 Defense Wins of 2005. In choosing the top defense wins for the year, the *National Law Journal* considered the obstacles defense attorneys encountered during 2005, including plaintiff-friendly venues, the amount of damages at stake, and the potential effect on similar cases.

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Annual Awards Recognize Exceptional Teaching

The Trustees Award, Leon H. Wallace Teaching Award, and Leonard D. Fromm Public Interest Faculty Award, granted annually, serve as highly-coveted emblems

for our faculty's continued and steadfast commitment to quality instruction.


After poring over each faculty member's evaluations, a student committee named Professors **Cynthia Reichard**, **Joe Hoffmann**, and **Don Gjerdingen** the 2006 winners of the Trustees Teaching Award. The Leon H. Wallace Teaching Award for 2006 went to Professor **Bill Henderson**, and the Public Interest Law Foundation named Professors **David and Susan Williams** joint winners of the Leonard D. Fromm Public Interest Faculty Award. **Marguerite Shreve** was announced as the first recipient of the annual Adjunct Faculty Member of the Year Award. Winners were recognized during a ceremony held April 12 in the Moot Court Room.

"The teachers who are honored today exhibit the very best in creative, demanding, and effective teaching," said Dean **Lauren Robel**. "The opportunity to make such awards is not only cause for celebration, it is an important institutional statement on our part. It enables us, as an institution, to recognize and honor teaching."

Read more about [individual awards and winners](#).

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Geyh Serves on Distinguished Panel: "A Conversation with Justice Sandra Day O'Connor"

 Professor **Charles Geyh**, author of *When Courts and Congress Collide*, participated in "A Conversation with Justice Sandra Day O'Connor" on May 11 at George Washington University in Washington D.C. This special "In Pursuit of Justice" panel discussion examined recent threats to judicial independence and possible solutions to current conflicts among the branches of government. Host Catherine Crier, senior anchor and managing editor for Court TV, lead the distinguished panel of participants, which included the Hon. Leroy Rountree Hassell Sr., Chief Justice of the Supreme Court of Virginia; Richard Riley, former Secretary of Education; Senator Patrick Leahy (D-VT); Senator Arlen Specter (R-PA); Bill Bradley, former U.S. Senator; Michael Greco, ABA President; and the Hon. William S. Sessions, former FBI director.

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Mehrotra Granted Two Prestigious Fellowships

Professor **Ajay Mehrotra** was doubly honored with residency as a visiting scholar and fellowship grant, respectively, by the American Academy of Arts and Sciences (AAAS) and the National Endowment for the Humanities (NEH).

The AAAS Visiting Scholars Program seeks out scholars  with pacesetting potential. Mehrotra's proposal was one of 12 selected from a national applicant pool for fall 2006. While in residence, he will collaborate with

Academy Fellows and elected members—which include former presidents and policymakers—on scholarly or policy-related interest; develop a network of scholars from diverse disciplinary, institutional, and geographic backgrounds; and attend conferences and Academy seminars in collaboration with the Harvard Humanities Center.

A book project supported by the NEH, the AAAS, and the William Nelson Cromwell Foundation titled *Sharing the Burden: Law, Politics, and the Making of the Modern American Fiscal State* serves as Mehrotra's focus during his tenure as visiting scholar.

The endeavor was named an NEH *We the People* project, a special designation for proposals poised to advance the study, teaching, and understanding of American history and culture. Mehrotra will investigate how and why the U.S. system of public finance was transformed at the turn of the 20th century when a progressive income tax regime eclipsed the status quo of indirect national taxes.

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Applegate Featured in *Doxpop Docket*

Professor **Amy Applegate** was featured in the May issue of the *Doxpop Docket*. Doxpop is a public service allowing people to access Indiana court records.

Applegate, who serves as the director of the Family and Children Mediation Clinic, spoke about the clinic and the mediation process. "Mediation is a constructive process," she said. "It's helping people who view themselves as adversaries come up with good solutions for them and their families."

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New Faculty Member: Carwina Weng

The Indiana Law community welcomes **Carwina Weng**, the most  recent addition to our distinguished faculty. She joins the Community Legal Clinic this fall, where she will focus on disability and domestic violence issues.

Weng comes to us from Boston College where she served as a clinical professor at the Legal Assistance Bureau in Waltham. Prior to her position at Boston College, she was a staff attorney at Greater Boston Legal Services. There, she worked with the domestic violence programs at six area hospitals, supervised a divorce work group, and represented victims of domestic violence in abuse prevention and family law litigation.

Weng earned her BA from Yale University, and her JD from New York University. As an assistant professor at the Florida Coastal School of Law, she taught contracts,

civil procedure, and legal research and writing and co-directed the McCalla Children and Family Advocacy Center. She also worked as a staff attorney in the Legal Aid Society Community Law Offices in New York City from 1990–1996, and served as chair of the Board of Directors of the New York Asian Women's Center from 1993–1996.

Weng is recipient of the Legal Aid Society Award for pro bono services, as well as a coveted Skadden Public Interest Fellowship. She is a member of the Asian American Lawyers Association of Massachusetts and the Association of Legal Writing Directors.

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Indian Professor Offers International Insight on Oppression

His grandparents' conversion to Christianity saved Professor S. Japhet from the harsh realities of life for those referred to as "untouchables" in India. Now on faculty at the National Law School of India University in Bangalore, India, Japhet's research focuses on issues related to the oppression of those "untouchables—who self-identify as "Dalits," a Sanskrit term meaning oppressed.



The Indian scholar visited Bloomington as a presenter at a recent conference titled, "Variations in Blackness," sponsored by the IU Department of African American and African Diaspora Studies. Japhet spoke about the oppression of Dalits to law students in Indiana Law Professor **Kevin Brown's** "Race, American Society, and the Law" course. He also addressed the faculty of the Law School during a lunchtime colloquium.

Discussions blossomed from the contradictions of modern India, where evidence of change is present in all spheres of society. "Some people seem to think that Dalits are backward-looking or that our oppression is a distant issue," Japhet said of his studies. "Yet, in India, we must recognize a continuity between the past and present, marked by a high degree of obsession and concern with status." He noted that while the caste-based oppression of Dalits has lessened somewhat in urban areas of India, it still has a stranglehold on the lives of people in the rural areas where more than 75 percent of Indians live.

Brown, Japhet's host, conducts similar research. His motivation is to bridge the vast cultural gap that exists in American society between its majority and minority populations. In May, Brown traveled to India to share his own research and thoughts about oppression in the American context with faculty at the National Law School and with Dalit leaders in New Delhi, Varnasi, and Mumbai (Bombay).

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Environmental Law Society Plants Carbon Sequestration Forest

There was no fooling around on April Fool's Day for six members of Indiana Law's Environmental Law Society (ELS) who teamed up with students from IU's School of Public and Environmental Affairs (SPEA) to plant 700 seedlings. The ensuing forest will grow up just north of Bloomington as part of a carbon sequestration effort.



The Indiana Law team, led by ELRG Director **Denise Walker**, 3L, included 2L **Steven Nagy** and first-year students **Tim Krzywicki**, **Mindy Boehr**, **Joel Watkins**, **Liza C. Moore**, and **Angela King**. "It was a great day for planting," Walker said. "There were a total of 41 volunteers. We had a great time and made some new

friends, too."

Carbon sequestration is one means scholars and scientists propose for gaining climate control. "In essence, forests and other highly productive ecosystems can become biological scrubbers by removing (sequestering) carbon dioxide from the atmosphere," as stated by a recent report prepared for the Pew Center for Global Change by SPEA Professor Kenneth Richards and Robert N. Stavins, who is the Albert Pratt Professor of Business and Government, chairman of the Environment and Natural Resources Faculty Group, and director of the Environmental Economics Program at Harvard University.

Walker and a representative from the SPEA Environmental Management Society presented the project during "35 Years of EPA," an event honoring the agency and William Ruckelshaus at the Wells-Metz Theatre in Bloomington on April 19. Walker is one of three ELS members who currently sits on the National Association of Environmental Law Societies board.

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'Interview Idol' Spotlights Career Advice

Indiana Law's Career Services Office offered students gems of practical advice—and hilarious entertainment—during an informational spoof on the popular TV show *American Idol*. Alumni Board members donned the hats of Idol's judging trio and doled out helpful criticism to students posing as interviewees for an international firm, a mid- to small-size firm, and a government agency.



Brian P. Williams, JD'81, who played the interviewer, welcomed the three "contestants" to the offices of "Dewey Cheatum & Howe" law firm. Each candidate made classic-but-common errors—such as a ringing cell phone, sandaled feet, and a way-too-casual attitude—then stood before the panel for review.

Andy Hull, JD'86, felt the love as Randy Jackson, complete with shades, and

Angela Karras Neboyskey, JD'00, channeled Paula Abdul, and really felt for the students with emotional perkiness.

Greg Castanias, JD'81, made sobering jabs in true Simon Cowell style. "I'm glad to know you have a cell phone," Castanias snipped after the first interview. "You'll need to use it to call your parents to tell them you're living at home for the summer." Laughter erupted, but useful advice followed. "Keep a clear focus. Know where you want to be, what you want from the job, and how your experience makes you the perfect candidate. Make it easy for a firm to hire you."

Despite the casual, comedic atmosphere, first- and second-year students were exposed to real-world situations and given the opportunity to interact with the subject in a new format far from traditional career seminars. "We wanted to give students a chance to 'sit in' on an interview," **Michael Keller**, assistant dean for Career Services, said.

A question-and-answer session shed light on the best ways to answer tough questions, the reasons certain questions are asked in an interview, and even advice about dress. "They saw the subtle things that can really make a difference, and Brian Williams really did a good job of asking realistic follow-up questions," Keller said. "The student feedback has been overwhelmingly positive, and we'll definitely do this again."

The "Interview Idol" event is just one of the many ways Indiana Law alumni make a difference in career placement for our students. Through the alumni network, you can contribute to on-campus interviews, schedule one-on-one meetings or phone calls with students, and attend off-site receptions for Indiana Law students in Washington, D.C.; Chicago; and other cities.

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Thai Students Share a Taste of the New Year with Indiana Law

About 50 community members gathered at Indiana Law for a vibrant celebration of the Thai New Year. Guests of the Songkran Festival were treated to a traditional kickboxing demonstration, authentic Thai music, and even pulled onto the dance floor to learn a traditional Thai dance.



Poster boards detailing Thai traditions replete with photos, figurines, traditional party favors, and history about customs were arranged around the room. Pictures and stories about efforts to overcome Tsunami damage covered one board, showing the revitalization of the Thai coast. Bubble tea and a

huge spread of traditional Thai dishes welcomed celebrants, who talked laughed, and perused the displays as they ate. Sunshine poured through the faculty lounge windows on the unusual 80-degree April day, adding to anticipation of the real treat

—a traditional Songkran water war on the patio of the School.

The Songkran Festival event is just one of many hosted by Thai and other LLM, SJD, and MCL students. We celebrate our students who hail from at least 19 countries around the world, including China, Korea, Thailand, and Taiwan immersed in the School's highly-regarded Graduate Legal Studies Program.

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Students Clobber Faculty at Assembly Hall

Shortly after 8 p.m., five faculty and staff members ambled bravely onto the Assembly Hall court outfitted with protective eye wear, and taped up with knee braces and arm bands. They met their student foes in one Law School competition where pride trumps percentage points.

Four student teams shelled out the dough during this spring's Women's Law Caucus (WLC) benefit auction to compete in the round-robin tournament. Winners battled the ever-youthful faculty, staff, and librarians in a 40-minute, full-court game, followed by dinner and drinks at nearby hangout Nick's.



Despite valiant efforts by faculty and staff team members **Luis Fuentes-Rowher**, who organized the event, **Kevin Brown**, **Joe Hoffmann**, **Sarah Hughes**, **Ajay Mehrotra**, **Debbie O'Leary**, **Earl Singleton**, **Jeff Stake**, **Bill Weeks**, and **Dick Vaughn**, students won handily by more than 30 points.

Coaches **Jim Barnes** and **Dan Conkle**, clipboards underarm, donned Bob Knight-style red IU sweaters, but couldn't seem to hatch the kind of strategy that forged last year's faculty championship.

The game tilted badly from the tipoff, which went to the student team. Immediately, the students scored a bucket, but the faculty showed a glimmer of hope when they briefly tied it up. Barnes shoved secret-weapon Michael Hoffmann, Joe's speedy, high school-aged son, into play only minutes after the tipoff in an effort to secure the lead.



Families of players on both sides, tournament participants, and curious community members whooped it up in the stadium stands, bringing gaggles of children and cheering voices. But a losing fate was soon obvious. Game commentator Professor **John Scanlan** expressed doubt only seven minutes into play. "The students are dominating the field!" he shouted.

Singleton, reminiscent of his college hoops days, crashed the boards, leading to fast breaks by Vaughn, Fuentes-Rowher, and Mehrotra. The speedy guards maneuvered down the court, dishing the ball to Stake, Brown, Weeks, and the Hoffmann family,

who managed to sink a few shots. But, at the half, the leaders in law lagged by nearly 20 points.

The elder team fought viciously for each possession. Weeks made a gutsy block that was hailed as "an ESPN highlight moment," reminding some spectators of A. J. Moyer's rejection of a Carlos Boozer dunk when IU beat arch rival Duke in the 2002 NCAA tournament.

Michael Hoffmann, who was appointed Distinguished Visiting Adjunct Professor for the evening, flew to the baskets, nailing outside shots and making impressive steals. With 12 minutes to go in the second half, O'Leary zoomed down the court with gazelle-like flair setting elaborate picks and screens. Hughes scurried across the court to aid in an assist. Yet, their efforts fell short.

Though a final score of 62 to 29—students on top—lowered the heads of veteran faculty players, proceeds left two certain winners at the end of this rivalry: WLC charities the Middle Way House, a local domestic violence shelter, and the Indiana Law Protective Order Project, both helped by high bids for this hot-ticket package.

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Alumni Weekend: Sept. 29 and 30

Toast the grand opening of our innovative Conservation Law Center, celebrate with old friends, mingle with distinguished peers, and reminisce on a walk through campus during this year's Alumni Weekend celebration!

On Friday, Sept. 29, the Conservation Law Center holds its grand opening celebration. Former Indiana Law Professor George Lazarus, now an environmental law professor at Georgetown University, will deliver a special public lecture. Distinguished Service Award recipients will be honored that evening, followed by a special evening on the terrace with alumni and students. Hors d'oeuvres and drinks will be served.

Stay for the weekend, and bring the family to Sunday's events. Alumni and their families can enjoy a guided nature walk through Griffy Woods with renowned IU Biology Professor Keith Clay. There will also be an open house, brunch on the terrace, and Law School building tours. Children are invited to enjoy the "Fabulous Physics of Sound," hosted by Bloomington's Wonderlab Museum.

Visit www.law.indiana.edu/alumniweekend or call (812) 855-9700 for more information.

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Recent Faculty Media Hits

Professor **Kevin Brown** was quoted in "Minority Opinion: Speakers say constitutional law hasn't always fostered equality," *ABA Journal*.

Professor **Fred H. Cate** was quoted in "Colleges' online records are treasure to hackers, cybersecurity expert warns," *The Chronicle of Higher Education*, and "Massive ID theft unlikely," *Bloomington Herald-Times*, as well as interviewed about identity theft on *WFIU*. He was also quoted in an editorial titled "Government must take care of data," *Cincinnati Enquirer*.

Professor **Joshua Fairfield** was quoted in "ATM card to give access to virtual earnings," and "Game company sued over virtual land squabble," *New Scientist*. He was also quoted in "Second Life land deal goes sour," *Wired News*.

Professor **Charles Geyh** was quoted in "Recusal fight highlights judicial election concerns," *National Law Journal*.

Professor **Bill Henderson** was quoted in "Who wins this case? Lawyers," *Los Angeles Times*. He was also quoted in blog titled "Law Blog History Lesson: The Enron-Insull Connection," *Wall Street Journal Online*.

Professor **Jeff Stake** was quoted in "Law school deans feel the heat from ranking," *National Law Journal*.

Read more [in the News](#).

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